

REMARKS

The applicant has carefully considered the Office action dated February 10, 2005 and the references it cites. By way of this Response, claims 1, 20, 32-37, and 39 have been amended and new claims 44-50 have been added. In view of the following, it is respectfully submitted that all pending claims are in condition for allowance and favorable reconsideration is respectfully requested.

As an initial matter, the applicants note that the Office action indicated that claims 20-21 and 23 would be allowable if rewritten in independent form. Following this suggestion, the applicants have rewritten claim 20 in independent form. Accordingly, claims 20, 21, 23 and new claim 47 (which depends from claim 20) are in condition for allowance and are not discussed further herein.

Turning to the art rejections, the Office action rejected claims 1-19, 22 and 24-43 as being unpatentable over one or more of Liu, U.S. Patent 5,727,800, Sudo, U.S. Patent 3,796,430, and/or Perego, U.S. Patent 5,071,149. Applicants respectfully traverse these rejections.

Liu, the primary reference relied upon in the Office action, is directed to a conventional walker having a tray 1, a base 2, a linkage 3 supporting the tray 1 above the base 2, and wheels 4 to support the base on the ground. The Liu structure also includes an extension stand 6 coupled to the lower surface of the base 2. The extension stand can be "moved between the operative position in which the baby-walker is supported on the ground by the extension stand and allowed to be turned about the extension stand, and the wheel assemblies are suspending above the lowest end of said extension stand, and

the non-operative position in which the baby-walker is supported on the ground by the wheel assemblies and the extension stand is suspended from the base frame above the elevation of the wheel assemblies.” (Liu, Col. 1, lines 47-55). In no instance, are the wheels 4 of Liu in contact with any portion of the extension stand 6.

In contrast, independent claim 1 recites a child entertaining apparatus comprising a base and a wheeled walker wherein the wheeled walker includes at least one wheel in contact with the base when the wheeled walker at least partially supports a seat above the base. Since the wheels 4 of Liu are never in contact with the base 62 of the stand 6, the Liu structure does not meet the recitations of independent claim 1. Further, there is no suggestion for modifying Liu, either in Liu or in any of the other art of record, for modifying Liu to meet the recitations of claim 1. Accordingly, claim 1 and all claims depending therefrom are in condition for allowance.

Independent claim 32 should also be allowed. Claim 32 recites a child entertaining apparatus comprising, among other things, a mechanical fastener to removably secure at least one of the wheels of a support vertically above a base. The wheels 4 of Liu are never secured vertically above the base 62. Further, whether taken alone or in combination with any other art of record, Liu does not teach or suggest securing the wheels 4 vertically above the base 62. Accordingly, claim 32 is in condition for allowance.

Independent claim 33 should also be allowed. Claim 33 recites a child entertaining apparatus comprising, among other things, a removable wheeled support which cannot rotate relative to a base when the removable support is supported on the base. In contrast, the Liu walker is expressly said to be

rotatable relative to the base 62 when the walker is supported on the stand 6. (Liu, Col. 1, lines 47-55). Accordingly, Liu does not meet the recitations of claim 33. Since neither Liu nor any of the art of record contains a suggestion for modifying Liu to meet the recitations of claim 33, claim 33 is in condition for allowance.

Independent claim 34 should also be allowed. Claim 34 recites a child entertaining apparatus comprising, among other things, a removable support which is a walk-behind walker which does not include a seat. The walker of Liu is removable from the stand 6. However, the Liu walker is a conventional walker for a child unable to walk on their own. As such, it includes a seat to support the child within the annular base 2 of the walker. Thus, the walker of Liu is not a walk behind walker that does not include a seat. Accordingly, Liu does not anticipate claim 34.

There is no suggestion to modify Liu to meet the recitations of claim 34. For example, the alleged invention of Liu is to provide a stand 6 which may be actuated to temporarily secure a walker to the ground such that the mobility of the occupant of the walker is temporarily restricted to rotation around the stand 6. Such mobility restriction is not useful for a walk behind walker, but is only useful for a walker with a seat that confines the child to the walker. This is true because a child can merely walk or crawl away from a walk behind walker. Therefore, modifying the walker of Liu to a walk behind walker would destroy the functionality of the Liu invention. The law is quite clear that, "[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention, then the teachings of the references are not sufficient to render the claims *prima facie*

obvious.” MPEP § 2143.01, citing, In re Ratti, 270 F.2d 810 (C.C.P.A. 1959). Here there is no suggestion to modify the Liu structure into a walk-behind walker because the principle of operation of the alleged Liu invention would not only change, its purpose would be destroyed. Consequently, claim 34 is in condition for allowance.

Independent claim 35 should also be allowed. Claim 35 recites an apparatus comprising, among other things, a hinged arm fixedly joining a tray to a base such that the tray is movable between a first height above the base and a second height above the base; wherein the hinged arm cannot support the tray at the first height without the assistance of a walker such that when the walker is removed from the base, the tray is located at the second height. The Office action identifies the linkage 3 as the arm joining the tray 1 to the base 62. However, the Liu tray 1 is a fixed component of the walker and the walker of Liu is *never* removed from the base 62. As such, there is never an instance when the walker is removed from the tray 1, when the walker is removed from the base 62, or when the walker is removed from the base 62 while the tray 1 remains located at a second height above the base 62. Accordingly, Liu, whether viewed alone or in combination with the other art of record, does not meet the recitations of claim 35. As a result, claim 35 is in condition for allowance.

Independent claim 36 should also be allowed. Claim 36 recites, among other things, a wheeled walker which does not include a seat. The walker of Liu is removable from the stand 6. However, the Liu walker is a conventional walker for a child unable to walk on their own. As such, it includes a seat to support the child within the annular base 2 of the walker. As discussed above,

there is no suggestion for modifying the Liu walker into a walker without a seat. Accordingly, claim 36 is patentable over Liu whether considered alone or in combination with any other reference of record.

The Office action claims to reject claims 37-43 as anticipated by Liu. However, it provides absolutely no explanation for these rejections. Accordingly, the Office action mailed February 10, 2005 is incomplete and has not provided the applicants with a fair opportunity to consider the Office's position with respect to these rejections. In view of this situation, the undersigned respectfully submits that any further action explaining or maintaining the rejection of any of claims 37-43 ***cannot be made Final***.

Turning to the rejections of claims 37-43 as best understood, applicants respectfully submit that independent claim 37 should be allowed. Claim 37 recites placing a wheeled walker on a base to substantially prevent movement of the walker relative to the base. As discussed above, when the Liu walker is placed on the base 62, it is expressly intended to rotate relative to the base 62. Accordingly, whether considered alone or in combination with any other art of record, Liu does not meet the recitations of claim 37. Therefore, claim 37 and all claims depending therefrom must be allowed.

Independent claim 39 is also allowable. Claim 39 recites removing a tray of the child entertaining apparatus from a wheeled walker ***without removing the tray from a base supporting the wheeled walker***. The Perego reference clearly shows removing the tray from the walker. If the stand of Liu were used with the Perego walker (or the Perego tray used with the Liu walker/stand), one would have a tray that is simultaneously removably from the walker and the stand, but one would not remove the tray from the wheeled

walker without removing the tray from the base supporting the wheeled walker. Accordingly, claim 39 and all claims depending therefrom are allowable.

Independent claim 42 is also allowable. Claim 42 recites, among other things, removing the wheeled walker from the seat **and** the base. Liu **never removes** its walker from the seat **or** from the base. The Office has failed to identify a suggestion for making such a modification to Liu. Accordingly, claim 42 is allowable.

Independent claim 43 is also allowable. Claim 43 recites, among other things, an apparatus comprising: a lock out mechanism to selectively substantially prevent rocking of a base, the lock out mechanism including a leg carrying a state message and the base defining a window positioned to display the state message when the lock out mechanism is in a predetermined state associated with the state message. The Office action nowhere identifies anything even remotely corresponding to such a lock-out mechanism. Accordingly, claim 43 is allowable.

Independent claim 44 is also allowable. Claim 44 recites, among other things, a base having a perimeter; and a wheeled walker removably securable within the perimeter of the base. No such structure is taught or suggested by any of the art of record. Accordingly, claim 44 is in condition for allowance.

Independent claim 45 is also allowable. Claim 45 recites, among other things, a tray **fixedly secured** to the base **and removably secured** to the wheeled walker. No such structure is taught or suggested by any of the art of record. Accordingly, claim 45 and all claims depending therefrom are in condition for allowance.

Independent claim 48 is also allowable. Claim 48 recites, among other things, a base having an inverted domed surface to facilitate rocking of the base; and a wheeled walker removably mounted inside the base. No such structure is taught or suggested by any of the art of record. For example, Liu does not teach or suggest a base having an inverted dome to facilitate rocking. Nor does Liu teach or suggest a wheeled walker mounted inside such a base. Accordingly, claim 48 is in condition for allowance.

Independent claim 49 is also allowable. Claim 49 recites, among other things, a support having wheels and being removable from a base to permit rolling of the wheels on a floor, wherein the wheels carry weight when the support is mounted on the base. No such structure is taught or suggested by any of the art of record. For example, the wheels of the Liu walker do not contact the floor when the walker is supported on the base 62. Therefore, the Liu wheels do not carry weight when the walker is supported on the base 62. Accordingly, Liu does not teach or suggest the recitations of claim 49, and claim 49 is in condition for allowance.

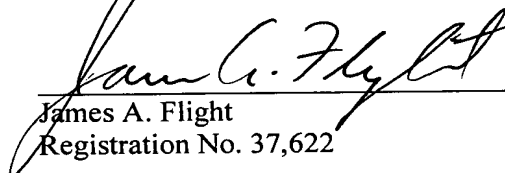
Independent claim 50 is also allowable. Claim 50 recites, among other things, a first wheeled leg, a second wheeled leg and a third wheeled leg, the first leg being hollow and including a first opening near a top of the first leg to receive a ball and a second opening near a bottom of the first leg to discharge a ball, the second leg defining a storage area to store a plurality of balls and a pivotable door to provide access to the storage area. No art of record teaches or suggests such a structure. Accordingly, claim 50 is in condition for allowance.

If the Examiner is of the opinion that a telephone conference would expedite the prosecution of this case, the Examiner is invited to contact the undersigned at the number identified below.

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